

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

CINCINNATI INSURANCE COMPANY,)

Plaintiff/Counter-Defendant,)

v.)

LARRY BANKS AND
WANDA SUE BANKS,

Defendants/Counter-
Plaintiffs.)

No. 4:12-CV-32
JURY DEMAND

Verdict Form

SECTION ONE

1. Did one or both of the BANKS willfully and knowingly make a material misrepresentation to CINCINNATI with the intent to deceive?

Yes _____

No ☒ _____

Please proceed to the next question.

2. Did one or both of the BANKS cause or consent to the intentional burning of the insured property?

Yes _____

No ☒ _____

If your answer to either question 1 or 2 is "Yes," you have found for CINCINNATI. Please proceed directly to SECTION TWO of this verdict form; do not complete question 3 or 4.

If your answer to both questions 1 and 2 is "No," you have found for the BANKS. Please proceed to the next question.

3. We, the jury, find LARRY AND WANDA SUE BANKS are entitled to recover damages from CINCINNATI for the fire loss incurred in this case in the following amounts:

\$1,167,000 for the loss of the house.

\$871,623^{.34} for the personal property in the residence not to exceed \$875,250.

\$52,700 for additional living expenses.

\$42,000 for debris removal.

\$19,445⁴⁰ for the loss of trees, shrubs, plants and lawn not to exceed \$116,700.

\$21,500 for other structures.

Please proceed to Question 4.

4. What annual percentage of prejudgment interest, to be calculated beginning on May 14, 2012, do you award to the BANKS ? 2% % (Do not exceed ten (10%) percent.)

Note: The Court will calculate the total interest to be paid based on your responses to Question 4.

You have completed your deliberations. The jury foreperson should sign the verdict form and notify the courtroom deputy.

SECTION TWO

If you found that one or more of the BANKS made an intentional material misrepresentation to CINCINNATI but you did NOT find one or more of the BANKS caused or consented to the intentional burning of the insured property, then you have completed your deliberations. The jury foreperson should sign the verdict form and notify the courtroom deputy.

On the other hand, if you DID find the BANKS caused or consented to the intentional burning of the insured property, then you must determine the amount of damages due CINCINNATI. Proceed to Questions 5 and 6.

5. We, the jury, find CINCINNATI is entitled to recover damages from LARRY and WANDA SUE BANKS in the following amounts:

\$ _____ for the amount CINCINNATI paid the BANKS' mortgage holder to

pay off the mortgage remaining on the house which burned.

\$ _____ for the amount CINCINNATI incurred to investigate the fire which burned the BANKS' house.

6. What annual percentage of prejudgment interest, to be calculated beginning June 11, 2012, do you award to CINCINNATI? _____% (Do not exceed ten (10%) percent.)

Note: The Court will calculate the total interest to be paid based on your responses to these questions.

You have now completed your deliberations. The jury foreperson is to sign the verdict form and notify the courtroom deputy.

S/Foreperson
Foreperson of the Jury